

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RICKY CARDENAS,

Plaintiff,

v.

Case No. 1:15-CV-00880-KG-SCY

MICHAEL COLLINS, LLOYD
GARCIA, LENNY QUINTANA and
CHRISTOPHER MEDINA, in their
individual capacities,

Defendants.

FINAL JUDGMENT

WHEREAS, on June 9, 2017, the Court awarded partial summary judgment to Defendants Lenny Quintana and Christopher Medina on the Fourth Amendment claims asserted by Plaintiff against them in Counts I and III of his Complaint (June 9, 2017, Memorandum Opinion and Order (Doc. 48); June 9, 2017, Partial Summary Judgment (Doc. 49)); and

WHEREAS, on June 16, 2017, the Court awarded partial summary judgment to Defendants Michael Collins and Lloyd Garcia on the Fourth Amendment claims asserted by Plaintiff against them in Counts I, II and III of his Complaint (June 16, 2017, Memorandum Opinion and Order to Show Cause (Doc. 50); June 16, 2017 Partial Summary Judgment (Doc. 51)); and

WHEREAS, in its June 16, 2017, Memorandum Opinion and Order to Show Cause, the Court ordered Plaintiff, on or before June 30, 2017, to “show cause why the Fourteenth Amendment claims should not be dismissed for failure to state a cognizable claim under Rule

12(b)(6)” (June 16, 2017, Memorandum Opinion and Order Order to Show Cause at 16 (Doc. 50)); and


WHEREAS, Plaintiff did not intend to assert any due process or other independent claims against Defendants under the Fourteenth Amendment, nor does Plaintiff intend to make a case for any claims under the Fourteenth Amendment (Plaintiff’s Unopposed Motion for Entry of Final Judgment, filed June 30, 2017, (Doc 54)); and

WHEREAS, by consenting to the entry of this final judgment, Plaintiff does not intend to waive or otherwise limit his right to appeal the final judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Final judgment is entered in favor of Defendants, and this matter is hereby dismissed with prejudice in its entirety.
2. The parties shall each bear their own attorney’s fees and costs incurred in relation to this action.
3. Plaintiff’s right to appeal this final judgment is preserved in its entirety.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Approved as to form by:

/s/Adam S. Baker

Adam S. Baker

Attorney for Plaintiff

Approved via email 06/30/17

Eugene (Geno) I. Zamora

Attorney for Defendants Collins and Garcia

Approved via email 06/30/17

Scott Hatcher

Attorney for Defendants Quintana and Medina